

## Appendix A: Determining Patient Decision-Making Abilities when Assessing Capacity

Ability	Probing Questions
<p><b>Ability to understand relevant information</b>  This is the ability to comprehend basic information about a problem, its potential solutions, and the risks and benefits associated with those solutions.  Factors influencing this ability include the patient's level of education and intelligence and how the information is presented.</p>	<ul style="list-style-type: none"> <li>• What is your understanding of your condition?</li> <li>• What options are available for your situation?</li> <li>• What do you understand about the benefits of treatment ?</li> <li>• How will the treatment help you?</li> <li>• What do you think would happen if you decide not to have treatment?</li> </ul>
<p><b>Ability to appreciate the situation and its consequences</b>  This is the ability to recognize how a problem or solution pertains to one's own situation.  Factors influencing this ability include the type of decision to be made and the complexity of the situation.</p>	<ul style="list-style-type: none"> <li>• What do you believe is wrong with your health now?</li> <li>• Do you believe that it is possible that this treatment/diagnostic test could benefit you?</li> <li>• Do you believe that it is possible that this treatment/diagnostic test could harm you?</li> <li>• We have talked about other possible treatments for you. Can you tell me what they are?</li> <li>• What do you believe would happen to you if you decided not to have this treatment/diagnostic test?</li> </ul>
<p><b>Ability to reason</b>  This is the ability to consider potential solutions to problems by:</p> <ul style="list-style-type: none"> <li>■ describing how a solution would affect his or her everyday life.</li> <li>■ demonstrating how one solution is better in comparison to another.</li> <li>■ demonstrating logical thought processes in determining a choice.</li> </ul>	<ul style="list-style-type: none"> <li>• Tell me how you reached your decision to have (or not have) this treatment/diagnostic test?</li> <li>• What things were important to you in making this decision?</li> </ul>
<p><b>Ability to communicate and express a choice</b>  This is the ability to render a clear choice for the decision under consideration. This choice should be consistent with: expressed beliefs and values, previous decisions and actions and cultural or religious beliefs.  This ability is often preserved despite impairments in the other decision-making abilities.</p>	<ul style="list-style-type: none"> <li>• You have been given a lot of information about your condition /situation. Have you decided which option is best for you?</li> <li>• Have you made a decision about which treatment you want to proceed with?</li> </ul>

